

109TH CONGRESS  
1ST SESSION

# S. 1764

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2005

Referred to the Committee on Education and the Workforce, and in addition to the Committees on Transportation and Infrastructure, and the Budget for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## AN ACT

To provide for the continued education of students affected by Hurricane Katrina.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. DEFINITION OF STUDENT AFFECTED BY HUR-**  
2 **RICANE KATRINA.**

3 In this Act, the term “student affected by Hurricane  
4 Katrina” means a student who resides or resided on Au-  
5 gust 22, 2005 in an area, or is enrolled or was enrolled  
6 on August 22, 2005 in a school located in an area, for  
7 which a major disaster has been declared in accordance  
8 with section 401 of the Robert T. Stafford Disaster Relief  
9 and Emergency Assistance Act (42 U.S.C. 5170) as a re-  
10 sult of Hurricane Katrina.

11 **SEC. 2. EDUCATION EXPENSES.**

12 (a) IN GENERAL.—Upon the request of the Secretary  
13 of Education, the Secretary of Homeland Security may  
14 transfer any funds made available to the Federal Emer-  
15 gency Management Agency “Disaster Relief Fund” for  
16 Hurricane Katrina to the Department of Education for  
17 the education of students affected by Hurricane Katrina.  
18 Such funds shall only be used for expenditures for activi-  
19 ties of educational agencies authorized under Federal law  
20 within the jurisdiction of the Department of Education,  
21 and for the following activities in support of students af-  
22 fected by Hurricane Katrina:

- 23 (1) Paying the compensation of personnel, in-  
24 cluding teacher aides, to provide instructional serv-  
25 ices.

1           (2) Paying the operational costs incurred by  
2           educational agencies as a result of educating such  
3           students.

4           (3) Purchasing instructional materials and  
5           equipment, including textbooks, used to educate such  
6           students.

7           (b) SPECIAL RULE.—Notwithstanding any other pro-  
8           vision of this section, funds may be used for expenditures  
9           described in subsection (a) only if—

10           (1) the Secretary of Education makes a deter-  
11           mination that such expenditures constitute an imme-  
12           diate need for the relief of students affected by Hur-  
13           ricane Katrina; and

14           (2) funds are not made available for such ac-  
15           tivities from other Federal sources.

16 **SEC. 3. AVAILABILITY OF FUNDS.**

17           (a) IN GENERAL.—Notwithstanding any other provi-  
18           sion of law, any funds available to the Secretary of Edu-  
19           cation, the authority for which would be cancelled or oth-  
20           erwise expire on September 30, 2005, shall be available  
21           for obligation by the Secretary until September 30, 2006,  
22           but only to meet educational needs of students affected  
23           by Hurricane Katrina.

24           (b) EMERGENCY DESIGNATION.—Any funds available  
25           for obligation pursuant to subsection (a) are designated

1 as an emergency requirement pursuant to section 402 of  
 2 H. Con. Res. 95 (109th Congress).

3 **SEC. 4. ADVANCED NOTIFICATION OF CONGRESS.**

4 (a) DEPARTMENT OF EDUCATION APPROPRIATIONS  
 5 ACT, 2005.—Section 304 of the Department of Education  
 6 Appropriations Act, 2005 (Public Law 108–447) is  
 7 amended by striking “15 days” and inserting “3 days”.

8 (b) CONSOLIDATED APPROPRIATIONS ACT, 2005.—  
 9 Section 517 of the Departments of Labor, Health and  
 10 Human Services, and Education, and Related Agencies  
 11 Appropriations Act, 2005 (Public Law 108–447) is  
 12 amended—

13 (1) in subsection (a), by striking “15 days” and  
 14 inserting “3 days”; and

15 (2) in subsection (b), by striking “15 days” and  
 16 inserting “3 days”.

17 **SEC. 5. SUNSET.**

18 This Act shall be effective for the period beginning  
 19 on the date of enactment of this Act and ending on Sep-  
 20 tember 30, 2006.

Passed the Senate September 22, 2005.

Attest: EMILY J. REYNOLDS,  
*Secretary.*